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3764
JEW



smith & hopen, p.a.
Intellectual Property Law Patents Trademarks Copyrights

July 11, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant: Richard M. Hall
Serial No.: 09/682,353
Filed: 08/24/2001
For: Obesity Treatment Aid
Our Reference No.: 1320.02

Art Unit : 3764
Examiner: Michael A. Brown
Confirmation No.: 8397

Dear Sir:

Enclosed please find the following:

1. Notice Requiring Excess Claims Fees (2 pages);
2. Response to Notice Requiring Excess Claims Fees (2 pages);
3. Copy of American Express statement dated September 1, 2001 (1 page);
4. Copy of American Express statement dated December 2, 2004 (1 page); and
5. Self-addressed and postage pre-paid post card to serve as a receipt for items 1-4.

Very respectfully,

SMITH & HOPEN

By: Ronald E. Smith
ron.smith@smithhopen.com

RES/dp
Encl.

CERTIFICATE OF MAILING
(37 C.F.R. 1.8)

I HEREBY CERTIFY that this correspondence is being mailed with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 11, 2005.

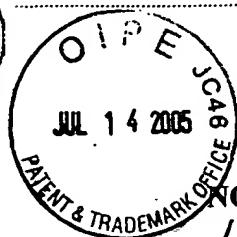
Date: July 11, 2005

Deborah Preza

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UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

NOTICE REQUIRING EXCESS CLAIMS FEES

The excess claim(s) filed on 6/10/05 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$25.00, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid ABANDONMENT. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- 1. The funds in Deposit Account No. _____ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- 2. The Credit Card payment to cover the entire fee due to Account _____ (Card type + last 4 digits **ONLY**) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- 4. The fee submitted in this application is insufficient. A balance of \$ 25.00 is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- 5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

only 34 claims have been paid for.

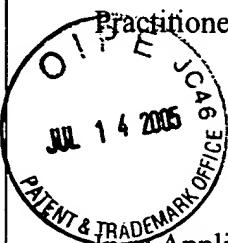
THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Karen Cobb (571) 272-4336

Technical Support Staff (TSS)

Note to TSS: Please do NOT use this notice if the application is under a final rejection.



Practitioner's Docket No.: 1320.02

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Richard M. Hall**)
Serial No.: **09/682,353**) Art Unit: **3764**
Filed: **08/24/2001**) Examiner: **Michael A. Brown**
For: **Obesity Treatment Aid**) Confirmation No.: **8397**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE REQUIRING EXCESS CLAIMS FEES

In response to the Notice Requiring Excess Claims Fees mailed June 24, 2005, having a shortened statutory period for response set to expire on July 24, 2005, applicant responds as follows:

At the time of initial filing of the application, Applicant remitted payment in the amount of \$481.00 to cover the cost of the basic filing fee (\$355.00) and a fee for fourteen (14) additional claims (\$126.00). A copy of the American Express credit statement indicating that payment was processed by the Office for that amount on August 24, 2001 is enclosed. Applicant then filed an amendment with the Office on November 29, 2004. Applicant included payment in the amount of \$152.00 to cover fees for one (1) additional claim (\$9.00), two (2) additional independent claims (\$88.00) and a fee for an extension of time for a response (\$55.00). A copy of the American Express credit statement indicating that payment was processed by the Office for that amount on December 1, 2004 is also enclosed. A call was placed to the Finance Office on June 28, 2005. Godwin, who may be reached at (703) 306-4150, confirmed that payment has been received by the Office for these fees. Since Applicant has previously paid for thirty-five (35) total claims and five (5) independent claims, no excess claim fees are due at this time.

CONCLUSION

It is believed that the above response is completely responsive to the Notice Requiring Excess Claims Fees mailed June 24, 2005. Applicant requests that the amendment filed on June 10, 2005 be entered.

Very respectfully,



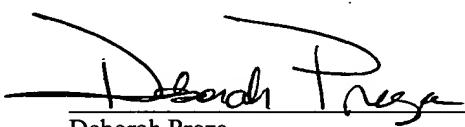
Date: July 11, 2005

Ronald E. Smith
Registration No. 28,761
Smith & Hopen, P.A.
15950 Bay Vista Drive
Suite 220
Clearwater, FL 33760

CERTIFICATE OF MAILING **(37 C.F.R. 1.8)**

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Date: July 11, 2005


Deborah Preza

Prepared For
ANTON J HOPEN
SMITH AND HOPEN



Account Number
0-82000

Page 3 of 10

Closing Date
September 1, 2001

Amount \$

Small Business
Services

Transactions Continued

August 10, 2001	80.70
BUYCOMP,LLC 888-880-1030 CA COMPUTER HARDWRE/SFTWRE Reference: 11397505	
August 10, 2001	25.00
D&B BUSINESS REPORTSKING OF PRUSS PA PERSONAL SERVICE Reference: HX0100100 Rec Number: 0000000150	
August 12, 2001	851.15
BUYCOMP,LLC 888-880-1030 CA COMPUTER HARDWRE/SFTWRE Reference: 11408703	
August 13, 2001	395.00
US PATENT & TRADEMARWASHINGTON, DC DC GOVT. SVCS. NOT ELSEWHE Reference: 022613451	
August 13, 2001	355.00
US PATENT & TRADEMARWASHINGTON, DC DC GOVT. SVCS. NOT ELSEWHE Reference: 022613451	
August 13, 2001	364.00
US PATENT & TRADEMARWASHINGTON, DC DC GOVT. SVCS. NOT ELSEWHE Reference: 022613451	
August 14, 2001	19.42
PEPPINS RESTAURANT INC ST PETERBURG FL FOOD AND BEVERAGE Reference: 000099036	
August 15, 2001*	50.00
WROX PRESS LIMITED BIRMINGHAM UK UNITED KINGDOM GOODS AND SERVICES	
August 15, 2001	35.00
PAC FOUNDATION,INC 7277917060 FL MEMBERSHIP FEES/ACC Reference: 022804329	
August 21, 2001	355.00
US PATENT & TRADEMARWASHINGTON, DC DC GOVT. SVCS. NOT ELSEWHE Reference: 023413251	
August 23, 2001	27.00
GRILLATFEATHER CLEARWATER FL FOOD AND BEVERAGE FOOD/BEV 22.90 TIP 4.10 Reference: 800000E02	
August 24, 2001	395.00
US PATENT & TRADEMARWASHINGTON, DC DC GOVT. SVCS. NOT ELSEWHE Reference: 023915331	
August 24, 2001	481.00
US PATENT & TRADEMARWASHINGTON, DC DC GOVT. SVCS. NOT ELSEWHE Reference: 023915331	
August 24, 2001	325.00
US PATENT & TRADEMARWASHINGTON, DC DC GOVT. SVCS. NOT ELSEWHE Reference: 023915331	
August 24, 2001	355.00
US PATENT & TRADEMARWASHINGTON, DC DC GOVT. SVCS. NOT ELSEWHE Reference: 023915331	

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ed For
ANTON J HOPEN
SMITH AND HOPEN

Account Number
XXXX-XXXXX0-83008

Closing Date
12/02/04

Page 7 of 12

Amount \$

New Activity Continued		
11/17/04	PUBLIX STR# 0374 CLEARWATER FL GROCERIES	✓ 50.02
11/22/04	PARTY CITY LARGO 161CLEARWATER FL CARDS/GIFTS/PARTY ITEMS	✓ 11.22
11/23/04	US PATENT TRADEMARK 703-305-4631 VA GOVERNMENT SERVICES	✓ 215.00
11/23/04	US PATENT TRADEMARK 703-305-4631 VA GOVERNMENT SERVICES	65.00
11/26/04	US PATENT TRADEMARK 703-305-4631 VA GOVERNMENT SERVICES	✓ 2,490.00
11/30/04	US PATENT TRADEMARK 703-305-4631 VA GOVERNMENT SERVICES	✓ 985.00
12/01/04	US PATENT TRADEMARK 703-305-4631 VA GOVERNMENT SERVICES	✓ 152.00

Total of New Activity for DEBORAH PREZA

New Charges
Payments/Credits 5,379.06
0.00

New Activity for SHELLEY BUTZ

Card XXXX-XXXXX0-81036

11/01/04	ANNUAL MEMBERSHIP FEE SHELLEY BUTZ PERIOD 01/05 THRU 12/05	35.00 ✓
11/12/04	EINSTEIN NOAH BAGEL CLEARWATER FL BAKERY	12.81 ✓
11/26/04	US PATENT TRADEMARK 703-305-4631 VA GOVERNMENT SERVICES	490.00 ✓

Total of New Activity for SHELLEY BUTZ

New Charges
Payments/Credits 537.81
0.00

Total of New Activity

New Charges
Payments/Credits 22,100.56
-18,025.38

04973 0070018 00000
04975 0070018 00910

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